

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

E. & J. GALLO WINERY, a California corporation,) CV F 05-0101 AWI LJO
Plaintiff,) ORDER ON PLAINTIFF'S
v.) MOTION FOR PRELIMINARY
ANDINA LICORES S.A., a corporation organized under the laws of Ecuador,) INJUNCTION FOLLOWING OPINION BY COURT OF
Defendant) APPEALS

In this action for declaratory relief, abuse of process, unfair competition, and breach of contract, plaintiff E. & J. Gallo Winery (“Plaintiff”) filed a motion for temporary restraining order on May 25, 2005. This court denied the motion on June 27, 2005, and Plaintiff appealed. On May 1, 2006, the Ninth Circuit Court of Appeals in case number 05-16504 reversed the decision of this court that denied Plaintiff’s request for temporary restraining order.

THEREFORE, in accordance with the appellate court's decision, and for the reasons set forth therein, it is HEREBY ORDERED that:

1. Until the conclusion of the present action in this court, including all appeals, Andina Licores, S.A. (“Andina”), and its officers, agents, servants, employees and attorneys, and all those in active concert or participation with Andina shall be restrained and

1 enjoined from continuing to pursue and/or prosecute the action entitled Andina
2 Licores, S.A. v. E. & J. Gallo Winery, Case No. 470-d-04 filed in the Second Civil
3 Court of Guayaquil, Ecuador (the “Ecuador Action”) or any other action, case or
4 claims, other than those that may be brought before this court, it may have against
5 Plaintiff, which arise out of the facts, circumstances and claims alleged in the
6 complaint filed in this case and the Ecuador Action.

- 7 2. Plaintiff is not required to post a security pursuant to Rule 65 of the Federal Rules of
8 Civil Procedure.
9 3. If Plaintiff wishes this court to issue a letter rogatory, Plaintiff shall file a proposed
10 letter and shall transmit a copy of same in WordPerfect format by e-mail to
11 awiorders@caed.uscourts.gov.

12
13 IT IS SO ORDERED.

14 Dated: May 2, 2006
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/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE